

90th Legislative Session – 2015

Committee: House Commerce and Energy

Wednesday, February 04, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Beal
P Deutsch
P Harrison
P Hawley
P Kirschman
P Novstrup (Al)
P Stalzer
P Wiik
P Willadsen
P Wollmann
P Zikmund
P Schoenbeck, Vice-Chair
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Tim Rounds, Chair.

MOTION: TO APPROVE THE MINUTES OF JANUARY 30, 2015

Moved by: Willadsen
Second by: Harrison
Action: Prevailed by voice vote.

MOTION: THE COMMITTEE OF COMMERCE AND ENERGY WAS ASKED TO INTRODUCE A BILL ON BEHALF OF THE INDEPENDENT INSURANCE AGENCIES: AN ACT TO REVISE CERTAIN PROVISIONS REGARDING COMMISSIONS RECEIVED BY INSURANCE PRODUCERS.

Moved by: Schoenbeck

Second by: Hawley
Action: Prevailed by voice vote.

HB 1132: revise certain provisions regarding the titling of motor vehicles, boats, mobile homes, and manufactured homes and the issuance of temporary permits by licensed dealers.

Presented by: Representative Mary Duvall
Proponents: Myron Rau, SD Auto Dealers Association
Bob Riter, South Dakota Independent Auto Dealers Association
Bob Riter, South Dakota Manufactured Housing Association
Harry Engberg, Self, Sioux Falls

MOTION: DO PASS HB 1132

Moved by: Willadsen
Second by: Wiik
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Stalzer, Wiik, Willadsen, Wollmann, Zikmund, Schoenbeck, Rounds

MOTION: PLACE HB 1132 ON CONSENT CALENDAR

Moved by: Schoenbeck
Second by: Harrison
Action: Prevailed by voice vote.

HB 1157: clarify and provide consistency in cemetery regulations and to establish an administrative fine for failure to file required reports.

Presented by: Representative Al Novstrup
Proponents: Curtis Everson, South Dakota Bankers Association
Opponents: Michael Carlsen, Self, Aberdeen (Handouts: #1)
Wade Huntington, Self, Rapid City
Harry Engberg, Self, Sioux Falls

MOTION: AMEND HB 1157

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On page 1, line 6 of the printed bill, overstrike "excepted" and insert "exempted".

On page 5, line 9, delete "shall" and insert "may".

On page 5, line 9, delete "an administrative fine of fifty" and insert "a penalty of twenty-five".

On page 5, line 10, after "report" insert "up to a maximum penalty of one thousand five hundred dollars".

On page 5, line 13, delete "an administrative fine of fifty" and insert "a penalty of twenty-five".

On page 5, line 15, after "period" insert "up to a maximum penalty of one thousand five hundred dollars".

On page 5, line 24, after "inspection" insert "at the chartered banking institution and the cemetery".

On page 6, line 1, overstrike "and the account".

On page 6, line 2, overstrike "numbers of" and insert "administering".

On page 6, line 3, delete "shall" and insert "may".

On page 6, line 3, delete "an" and insert "a penalty of twenty-five".

On page 6, line 4, delete "administrative fine of fifty".

On page 6, line 5, before "." insert "up to a maximum penalty of one thousand five hundred dollars".

On page 6, line 7, delete "an" and insert "a penalty of twenty-five".

On page 6, line 8, delete "administrative fine of fifty".

On page 6, line 9, after "period" insert "up to a maximum penalty of one thousand five hundred dollars".

On page 6, after line 9, insert:

" Section 15. That chapter 55-12 be amended by adding thereto a NEW SECTION to read as follows:

If the secretary of state imposes a penalty on a cemetery pursuant to § 55-12-17 or 55-12-18, the cemetery may make a written request to the Office of the Secretary of State for a contested case

hearing pursuant to chapter 1-26. The written request for a contested case hearing must be made within thirty days from the date the penalty order was mailed to the cemetery by certified mail. If a written request for a contested case hearing is not received by the Office of the Secretary of State within the time prescribed, the penalty order is final. Any contested case hearing may be conducted pursuant to the provisions of chapter 1-26."

Moved by: Schoenbeck
Second by: Wollmann
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1157 AS AMENDED

Moved by: Schoenbeck
Second by: Wollmann
Action: Failed by roll call vote. (6-7-0-0)

Voting Yes: Novstrup (Al), Stalzer, Wiik, Willadsen, Zikmund, Schoenbeck

Voting No: Beal, Deutsch, Harrison, Hawley, Kirschman, Wollmann, Rounds

MOTION: DEFER HB 1157 UNTIL ANOTHER DAY

Moved by: Schoenbeck
Second by: Novstrup (Al)
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 30 UNTIL ANOTHER DAY

Gavel was passed to Representative Schoenbeck, Vice Chair

HB 1126: remove the delivery receipt requirements related to issuing certain life insurance policies.

Presented by: Representative Mark Willadsen
Opponents: Melissa Klemann, South Dakota Department of Labor & Regulation
Randy Moses, Avera Health Plans
Erik Nelson, AARP South Dakota

MOTION: DEFER HB 1126 TO THE 41ST LEGISLATIVE DAY

Moved by: Wollmann
Second by: Beal

Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Beal, Deutsch, Harrison, Hawley, Kirschman, Novstrup (Al), Stalzer, Wiik, Wollmann, Zikmund, Schoenbeck, Rounds

Voting No: Willadsen

Gavel was passed to Representative Rounds, Chair

MOTION: ADJOURN

Moved by: Willadsen

Second by: Kirschman

Action: Prevailed by voice vote.

Pam Kean
Committee Secretary

Tim Rounds, Chair